

WESTMINSTER CITY COUNCIL

STATEMENT OF DECISION

SUBJECT: HMO LICENSING POLICY

Notice is hereby given that the Cabinet Member for Communities and Regeneration, has made the following executive decision on the above-mentioned subject for the reasons set out below.

Summary of Decision

1. Recommendations

- (i) The Cabinet Member for Communities and Regeneration, having consulted the Cabinet Member for Housing, approved the partial revocation of the additional licensing designation made on 21st April 2021 to remove from the designation HMOs to which section 257 of the Housing Act 2004 applies (certain converted blocks of flats).
- (ii) That the above revocation takes effect from 1 October 2021.
- (iii) That the draft HMO Licensing Policy 2021 is approved.
- (iv) That delegated authority is given to the Director of Public Protection and Licensing to make minor modifications and updates to the HMO Licensing Policy, in consultation with the Cabinet Member for Communities and Regeneration.
- (v) That authority to carry out HMO enforcement is delegated to an Officer authorised by the Executive Director of Environment and City Management.

2. Reason for Decision

- 2.1 The Council has a duty to undertake a review of any discretionary licensing scheme it has implemented to determine whether it is achieving the scheme's objectives. With the Covid19 pandemic impacting the rental market since the adoption of the scheme, and the way people are living and working changing, it is necessary for the Council to undertake a review to inform a decision on whether the scheme will continue to achieve its objectives in its current framework.
- 2.2 A review of Westminster's additional Houses in Multiple Occupation (HMO) licensing scheme designation was conducted in September 2021 and is attached as Appendix A.
- 2.3 HMOs subject to additional licensing are divided into two categories; HMOs that share basic amenities (s.254) and converted blocks of flats, which are less than

two thirds owner-occupied and the conversion works did not comply with the appropriate building standards (s.257).

- 2.4 We know that people living in s.254 HMOs (and not subject to mandatory licensing) are more likely to be living in substandard living conditions and are often exposed to cold rooms, damp and severe overcrowding. Of the estimated c4,800 shared amenities HMOs (s.254) across the borough, over 80% are expected to have at least one Category One hazard defined under the Housing Health and Safety Rating System (HHSRS)¹. Those residing in s.254 HMOs are also more likely to make service requests and complaints to the Council about their housing standards and conditions, and require enforcement action taken under housing and public Health legislation (Source [Metastreet 2019](#)). Comparison of the overall indices of deprivation for Westminster, location of s.254 HMOs, and predicted Category One hazards for wards in Westminster show a marked correlation particularly to the north west of the city with Church Street, Harrow Road, Queens Park and Westbourne Wards most affected (Source [Metastreet 2019](#)).
- 2.5 S.254 HMOs are the lowest cost accommodation type in the centre of the City, and as a result, these HMOs are more likely to accommodate the most vulnerable and harder to reach communities, meaning there is a greater risk of exploitation by landlords. In particular, some of our worst observed properties have been amongst migrant groups. 25% to 30% of Westminster's population fluctuates every year due to the transient nature of some migrants and the PRS accommodates c.75% of this churn². This cohort are often low-income midterm visitors that stay for several months, and then move on only to be replaced by new and increasing demand for the spaces they occupied. Research and our officer experiences evidence that the living arrangements and conditions of these migrants are often poor-quality, and for those with irregular or unresolved legal status, living conditions are observably worse. Some of our worst cases in Westminster have uncovered up to 30 people residing together in just a 3-bedroom room flat. However, requests for intervention within these communities are disproportionately under-represented because language or cultural barriers means that they are often unaware that support services exist, they are unwilling to report concerns for fear of retaliatory eviction, intervention from authorities, or disinclined to report concerns due to their intended short stays. Resource efforts are therefore required to pro-actively identify and target our worst properties and their landlords, who are unlikely to comply with the additional licensing scheme and operate under the radar.

¹ Category One Hazards are the extreme harm outcome including death from any cause; Lung cancer; Mesothelioma and other malignant lung tumours; Permanent paralysis below the neck; Regular severe pneumonia; Permanent loss of consciousness; 80% burn injuries

² ESRO 2007, Behind the Numbers, Migrant Patterns in Westminster

Impact of Covid19

- 2.5 Since the policy was first developed, the City and its economy has changed, with the Covid19 pandemic fundamentally changing the way people are choosing to live and work.
- 2.6 Officers are concerned that falling rents may result in rented accommodation falling into further disrepair and living conditions worsening, placing our most vulnerable tenants at further risk. Officers consider that efforts should be focused on the pro-active identification and inspections of s.254 HMOs, to ensure we are doing all we can to improve living conditions within people's homes at this time.
- 2.7 Officers therefore recommend revoking the designation of s.257 HMOs whilst maintaining the designation of s.254 HMOs so that the Council's efforts can be focused on protecting the most vulnerable, namely residents in s.254 HMOs, which are not required to be licensed under mandatory licensing. A draft notice of partial revocation of designation is attached as Appendix B.
- 2.8 Improving standards and conditions of the communal parts within s.257 HMOs will continue to be targeted through the Council's existing housing and environmental health regulatory frameworks.

**Stuart Love, Chief Executive,
Westminster City Hall,
64 Victoria Street
LONDON SW1E 6QP**

Publication Date: 23 September 2021

Implementation Date: 1 October 2021

Reference: CR21-02